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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,963	11/16/2001	Yutaka Miyahara	107156-00086	7869
7590	08/09/2005		EXAMINER	
AREN'T FOX KINTNER PLOTKIN & KAHN, PLLC Suite 600 1050 Connecticut Avenue, N.W. Washington, DC 20036-5339			PHAM, TUAN	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/987,963	MIYAHARA, YUTAKA	
	<b>Examiner</b>	<b>Art Unit</b>	
	TUAN A. PHAM	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 July 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-6 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-6 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Applicant's remark, filed on 07/19/2005, with respect to the rejection(s) of claim(s) 1-6 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nochida Hitoshi (Pub. No.: JP 10093503A).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Nochida Hitoshi (Pub. No.: JP 10093503A).

Regarding claims 1 and 6, Nochida Hitoshi teaches a method and a receiver device comprising (see figure 1):

a plurality of antennas having different antenna gains (see figure 1, antenna 1a, 1b, page 2, [0009]);

an antenna switching device for selecting one of reception signals received by the plurality of antennas (see figure 1, switch 3, switch 2, page 2, [0009]), and supplying

the selected reception signal to a signal processor arranged subsequent to the antenna switching device (see figure 1, RF controller 6, page 2, [0009]);

a detector for detecting the level of a reception signal from each antenna (see figure 1, RSSI detector 7, page 2, [0009]);

a controller for controlling the antenna switching device for selecting a reception signal having a lower level than a maximum input level of the signal processor, in accordance with detection result from the detector (see figure 1, page 2-3, [0009-0015]).

**Regarding claim 2,** Nochida Hitoshi teaches a receiver device wherein the controller has a judger for judging a reception state of each antenna; and when there are a plurality of antennas capable of receiving signals without any troubles, the antenna switching device is controlled so as to select a reception signal from an antenna having a low antenna gain (see page 3, [0013-0014], threshold comparation).

**Regarding claim 3,** Nochida Hitoshi teaches a receiver device wherein the plurality of antennas are located close to one another, wherein the controller operates to control the antenna switching device, in a manner such that once the level of a reception signal supplied to the signal processor approaches a maximum input level of the signal processor, an antenna having a lower antenna gain than that of an antenna being selected is selected (see page 3, [0013-0014]).

**Regarding claim 4,** Nochida Hitoshi teaches a receiver device wherein the controller operates to control the antenna switching device, in a manner such that once the level of a reception signal supplied to the signal processor becomes lower than a

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predetermined level, an antenna having a higher antenna gain than that of an antenna being selected is selected (see page 3, [0013-0014]).

**Regarding claim 5,** Nochida Hitoshi teaches a receiver device wherein the controller operates to control the antenna switching device, in a manner such that once a reception signal of each antenna becomes lower than a predetermined level, a reception signal from an antenna having a high antenna gain is selected, and that when there are plurality of reception signals having a higher level than the predetermined level, a reception signal from an antenna having a low antenna gain is selected (see page 3, [0013-0014]).

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### Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (571) 272-7499 and

**IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (571) 272-2600 FOR THE SUBSTITUTIONS OR COPIES.**

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August 6, 2005  
Examiner

Tuan Pham



CURTIS KUNTZ  
NON-PATENT ADVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600